

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHELE BOTTIGLIERI ARMATORE  
S.p.A,

Plaintiff,

v.

EUROPA SHIPPING, INC.,

Defendant.

CASE NO. C14-5257 BHS

ORDER DENYING PLAINTIFF'S  
MOTION

This matter comes before the Court on Plaintiff Michele Bottiglieri Armatore S.p.A.'s ("Plaintiff") ex parte motion for order for issuance of process of maritime attachment and garnishment (Dkt. 2).

On March 27, 2014, Plaintiff filed a verified complaint and the instant motion. Dkts. 1 & 2. In the verified complaint, Plaintiff declares that the parties have "submitted their dispute to binding arbitration in London." Dkt. 1, ¶ 10. Plaintiffs argue that the Court has jurisdiction pursuant to 9 U.S.C. § 8 to order seizure of Europa Shipping, Inc.'s property in this jurisdiction "to obtain security in anticipation of the forthcoming

1 arbitration award.” *Id.*, ¶ 11. The plain language of the statute, however, does not confer  
2 jurisdiction for prejudgment attachment pending resolution of an ongoing arbitration.

3 9 U.S.C. § 8 is titled “Proceedings begun by libel in admiralty and seizure of  
4 vessel or property.” The statute provides that, after the vessel or property has been  
5 seized, “the court shall then have jurisdiction to direct the parties to proceed with the  
6 arbitration . . . .” According to the plain language of the statute, the court has jurisdiction  
7 to seize a vessel or property to force arbitration. It does not confer jurisdiction to grant ex  
8 parte seizure of property during an ongoing arbitration. Moreover, requesting relief by  
9 filing the motion ex parte and without a bond is not supported by the facts or law  
10 submitted by Plaintiff. While Europa may not technically have an agent within this  
11 district, the Court assumes counsel could contact Europa’s counsel in London to protect  
12 Europa’s due process rights. Therefore, the Court **DENIES** Plaintiff’s motion.

13 **IT IS SO ORDERED.**

14 Dated this 27th day of March, 2014.

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17 BENJAMIN H. SETTLE  
18 United States District Judge  
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